

Application Serial No. 10/048,204
Amdt. dated January 11, 2005
Reply to Office Action of July 12, 2004

REMARKS/ARGUMENTS

In the Office Action dated July 12, 2004, the Examiner has rejected the subject matter of Claims 1-14 under 35 U.S.C. §103(a) and contends that they are unpatentable over the U.S. Patent No. 6,011,477 to Teodorescu et al. in view of U.S. Patent No. 5,295,490 to Dodakian. The references and the Examiner's rejection of the claims are discussed below.

Applicant wishes to thank the Examiner for extending the courtesy of a telephone interview with Applicant's attorney on November 8, 2004.

In view of the prior amendment submitted on May 24, 2004, Applicant wishes to thank the Examiner for accepting the substitute drawing filed under 37 C.F.R. 1.84(o). Applicant also wishes to thank the Examiner for withdrawing the rejections of Claims 1, 2, 5, 6, 8-10, 12 and 14 under 35 U.S.C. §112, second paragraph and the objection to Claim 13. Applicant wishes to thank the Examiner for withdrawing the rejection of Claim 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,477 to Teodorescu et al.

Claims 1 and 5 have been amended to more specifically define the present invention. The present invention is a method and apparatus for registering movement patterns of an individual. A sensor part including a movement sensor is attached to a body part of an individual. A transmitting means is provided for wireless transfer of a signal between the movement sensor and a receiver. The signal is recorded to create a movement history of the individual. Applicant avers that no new matter has been added to the claims.

Claims 1-14 remain in the present application for continued prosecution.

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Teodorescu et al. '477 reference in view of U.S. Patent No. 5,295,490 to Dodakian. The Examiner contends that the Teodorescu et al. '477 reference includes all of the claimed features of the present invention, except for specifically mentioning the sensor is attached to

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the infant. Accordingly, the Examiner contends that the Dodakian '490 reference discloses a method for registering, programming or storing in a memory, movement patterns of an individual, in particular, lying positions of relatively young children having a sensor/detector 14 which may be worn around the chest or abdomen of an infant. The Examiner further contends that it would have been obvious to one having ordinary skill in the art to combine the teaching of the Dodakian '490 reference with the Teodorescu et al. '477 reference. Applicant traverses the rejection and requests withdrawal based on the following analysis.

The Dodakian '490 reference teaches a self contained apnea monitor. The Dodakian '490 reference only teaches detecting the respiration of an infant. A monitor is used to detect the respiration of the infant. See column 5, lines 1-5; column 10, line 32-34; and column 13, lines 24-37. The Dodakian '490 reference does not teach or suggest the use of a sensor for registering movement patterns.

The Teodorescu et al. '477 reference teaches away from attaching a sensor to a body part of an individual. Applicant directs the Examiner to the abstract where it is specifically stated that "none of the sensors are physically attached to the infant." The Teodorescu et al. '477 reference goes on to teach in column 4, lines 20-28 that the first sensor is "preferably enclosed within a textile fabric or flexible plastic material cover 32, such as a comforter, quilt, sheet, bedspread, fancy or otherwise suitable enclosure that is placed on top of the support platform 16." The Teodorescu et al. '477 reference further states in column 11, lines 22-24 the following:

"Monitoring system 10 is advantageous because it:
requires no physical attachments to the monitored subject or
infant 14;"

and in column 11, lines 37-40 the term "physical attachments" is defined to include any sensor which is physically attached to the infant. Applicant directs the Examiner to Claim 1, column 11, lines 58 and 59; and Claim 18, column 13, lines 43 and 44 where it is claimed "the first sensor not having a physical attachment to the infant".

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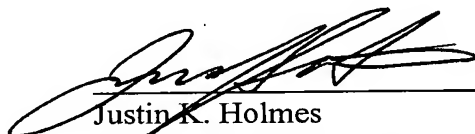
Consequently, the Teodorescu et al. '477 reference directs one skilled in the art away from the claimed invention and the combination with the Dodakian '490 reference.

Accordingly, Claims 1, 5 and 14 and those claims depending therefrom patentably distinguish over the prior art.

Applicant is also concurrently filing a Notice of Appeal which will provide the Examiner time to consider Applicant's response.

In view of the amendment to the claims, and remarks as set forth above, Applicant firmly believes the application is in all respects in condition for allowance which action is earnestly solicited. The Examiner is invited to contact Applicant's attorney at the telephone number listed below if any further information is needed to expedite the allowance of the application.

Respectfully submitted,



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